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10 Attorneys for Defendant
11 VISION SERVICE PLAN (erroneously sued
12 as VSP LABS, INC.)
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15 UNITED STATES DISTRICT COURT

16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 11 TEMEKA ROBINSON, an individual,

Case No.

18 12 Plaintiff,

**NOTICE OF REMOVAL OF ACTION
UNDER 29 U.S.C. §§ 2601, *et seq.*
(FAMILY MEDICAL LEAVE ACT)**

19 13 v.

Complaint Filed: May 6, 2022

20 14 VSP LABS, INC., a Delaware corporation;
21 and DOES 1 through 20, inclusive,

22 16 Defendants.

17 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

18 PLEASE TAKE NOTICE that Defendant VISION SERVICE PLAN, erroneously sued as
19 VSP LABS, INC. ("Defendant"), hereby removes to this Court the state court action described below.

20 22 1. On May 6, 2022, an action was commenced in the Superior Court of the State of
21 California, in and for the County of Sacramento, entitled *Temeka Robinson v. VSP Labs, Inc.*, Case
22 No. 34-2022-00319458. (A true and correct copy of the Summons, Complaint and all documents
23 served therewith is attached as Exhibit A to the Declaration of Kelli M. Kennaday filed herewith.)

24 26 2. The first date upon which Defendants received a copy of the Complaint was May 26,
25 27 2022. (Kissinger Decl., ¶ 2.)

28 28 3. This action is a civil matter of which this Court has original jurisdiction under 28
00224939.1

1 U.S.C. § 1331, and is one which may be removed to this Court by Defendant pursuant to the
2 provisions of 29 U.S.C. §§ 2601, *et seq.*, in that this is a civil action involving a federal question;
3 namely, discrimination in violation of the Family Medical Leave Act (“FMLA”) (29 U.S.C. §§ 2601,
4 *et seq.*). (Ex. A, Complaint, ¶¶44-50.) Thus, federal question jurisdiction exists in this case.

5 4. Additionally, this Court has supplemental jurisdiction of this matter under 28 U.S.C.
6 § 1337, in that all other claims asserted by Plaintiff in the Complaint are so related to Plaintiff’s
7 claims arising under the FMLA that they form part of the same case or controversy under Article III
8 of the United States Constitution.

9 5. On June 21, 2022, Defendant filed an Answer with the Sacramento Superior Court in
10 order to preserve all legal rights. A true and correct copy of the Answer is attached as Exhibit B to
11 the Declaration of Kelli M. Kennaday filed herewith. (Kennaday Decl., ¶3.)

12 DATED: June 24, 2022

KENNADAY LEAVITT PC

14 By: /s/ Kelli M. Kennaday
15 KELLI M. KENNADAY
16 ALLISON M. NYE
17 Attorneys for Defendant
VISION SERVICE PLAN (erroneously sued
as VSP LABS, INC.)

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 621 Capitol Mall, Suite 2500, Sacramento, CA 95814. My electronic service address is phendrickson@kennadayleavitt.com

On June 24, 2022, at or before 11:59 p.m., I served true copies of the following document(s) described as **NOTICE OF REMOVAL OF ACTION UNDER 29 U.S.C. §§ 2601, et seq. (FAMILY MEDICAL LEAVE ACT)** on the interested parties in this action as follows:

Joshua S. Falakassa
Gregory Lang
FALAKASSA LAW
1901 Avenue of the Stars, Suite 450
Los Angeles, CA 90067
Tel: 818-456-6168
Email: josh@falakassalaw.com

Attorneys for Plaintiff

BY EMAIL: I caused such documents to be served via electronic mail transmittal to the offices of the email addresses herein described.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed herein and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Kennaday Leavitt PC's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on June 24, 2022, at Sacramento, California.


PAULA HENDRICKSON-BYERS